

ORIGINAL

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

CITY OF DES PLAINES, an Illinois Municipal Corporation,

Petitioner,

vs.

UNION PACIFIC RAILROAD COMPANY and WISCONSIN
CENTRAL LTD., and ILLINOIS DEPARTMENT OF
TRANSPORTATION,

Respondents.

T03-0102

In the matter of the petition of the City of Des Plaines for an order of the
Illinois Commerce Commission to require the respondents to pay their
allocable share of the costs of a major alteration of an above grade crossing
in the City of Des Plaines, Cook County, Illinois.

**INITIAL INTERROGATORIES TO
RESPONDENT ILLINOIS DEPARTMENT OF TRANSPORTATION**

TO: Illinois Department of Transportation through Counsel:

Ms. Ellen Schanzle-Haskins
Chief Counsel-IDOT
2300 S. Dirksen Parkway,
Room 300
Springfield, IL 62764

Mr. Thomas Benson
Special Assistant Attorney General
IDOT
2300 S. Dirksen Parkway,
Room 311
Springfield, IL 62764

Mr. Richard A. Christopher
Deputy Chief Counsel -
IDOT
310 S. Michigan Avenue,
Room 1607
Chicago, IL 60604

Wisconsin Central Ltd. ("WCL") requests that Respondent Illinois Department of
Transportation ("IDOT") answer, under oath and in writing signed by an authorized
representative of IDOT within 28 days of service, the following written interrogatories, serving
the responses on counsel herein in accordance with the rules of the Illinois Commerce
Commission:

DOCKETED

MAY 2 2005

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BC

INTERROGATORY NO. 1:

Describe with particularity each and every exhibit IDOT will offer into evidence in this docket.

INTERROGATORY NO. 2:

Identify by full name, current address and telephone number each person IDOT will call to testify at hearings in this docket, summarizing the testimony each such witness is likely to give.

INTERROGATORY NO. 3:

Identify by full name, address and telephone number each person IDOT will retain to testify as an expert at evidentiary hearings in this docket as an expert witness, indicating the field of expertise for such experts, and indicating in detail the opinions and conclusions the expert will express summarizing the factual basis thereof.

INTERROGATORY NO. 4:

Describe with particularity what IDOT believes are hazardous conditions created by the current grade separation and alignment of Route 14 that is at issue in this docket, including any possible hazards that may be caused by geometric deficiencies in the subject Route 14 alignment, by flooding under the bridge during rainfall, and by the lack of sidewalks or bicycle facilities.

INTERROGATORY NO. 5:

Describe with particularity the reasons for the statements attributed to IDOT in Paragraph 16 of the City's Petition that the, "increase in commuter and freight rail traffic will soon exceed the capacity of the rail intersection at the Crossing, resulting in significant delays," and that, "eliminating the existing crossing will enable the Railroads to redesign their track alignment to improve the capacity of the intersection and shorten delays."

INTERROGATORY NO. 6:

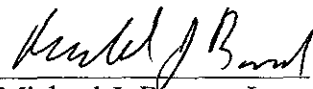
Describe with particularity what sources of funds, IDOT would use to contribute toward a new structure if the Commission ordered IDOT to make such a contribution, including whether funds, are from federal sources, and notwithstanding, the fact that IDOT may argue that the Commission has no jurisdiction to order a new alignment for Highway 14.

THESE INTERROGATORIES ARE INTENDED TO BE CONTINUING TO THE FULLEST EXTENT CONTEMPLATED BY THE RULES OF THE ILLINOIS COMMERCE COMMISSION. PETITIONER IS ASKED TO UPDATE RESPONSES SEASONABLY AS ADDITIONAL INFORMATION BECOMES KNOWN TO IT (OR TO ITS AGENTS, INCLUDING ITS LAWYER(S)) AND WITHOUT THE NECESSITY OF WCL MAKING ANY FURTHER REQUEST.

Dated: April 29, 2005

Respectfully submitted,

WISCONSIN CENTRAL LTD.

By: 
Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.
CN
17641 S. Ashland Avenue
Homewood, IL 60430
Phone: (708) 332-3954
Fax: (708) 332-4361
ARDC #6228809

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

CITY OF DES PLAINES, an Illinois Municipal Corporation,

Petitioner,

vs.

UNION PACIFIC RAILROAD COMPANY and WISCONSIN CENTRAL LTD., and
ILLINOIS DEPARTMENT OF TRANSPORTATION,
Respondents.

T03-0102

In the matter of the petition of the City of Des Plaines for an order of the Illinois
Commerce Commission to require the respondents to pay their allocable share of the
costs of a major alteration of an above grade crossing in the City of Des Plaines, Cook
County, Illinois.

NOTICE OF DISCOVERY

To: Mr. Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 North Wacker Drive, #1920
Chicago, IL 60606

Mr. Thomas Benson
Special Assistant Attorney General
Illinois Department of Transportation
2300 S. Dirksen Parkway, Room 311
Springfield, IL 62764

Mr. Paul Keller
Ancel, Clink, Diamond, Bush, DiCianni & Rolek P.C.
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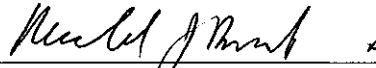
PLEASE TAKE NOTICE that on April 29, 2005, I have served Wisconsin Central Ltd.'s Initial
Interrogatories to Respondent Illinois Department of Transportation.

WISCONSIN CENTRAL LTD.

By Michael J. Barron, Jr. *
Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.
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Homewood, IL 60430
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ARDC 6228809

CERTIFICATE OF SERVICE

I, MICHAEL J. BARRON, JR., an attorney, certify that I served the foregoing Wisconsin Central Ltd.'s Initial Interrogatories to Respondent Illinois Department of Transportation upon those made party to this proceeding and by enclosing copies of the foregoing in envelopes addressed to the parties as set forth below, postage prepaid, and depositing the envelopes in the United States mail at 17641 S. Ashland Avenue, Homewood, IL on the 29th day of April, 2005.


Michael J. Barron, Jr.

Mr. Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 North Wacker Drive, #1920
Chicago, IL 60606

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Special Assistant Attorney General
Illinois Department of Transportation
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